

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Deptt- Court Case- Payment of 50% of decretal amount to M/s. IRCON International Ltd, in the case in CMAMP SR No.24322/2012 of 2012 in CMA No.238/2009 of Hon'ble High Court of AP, against the EPNo.20/2008, before the Addl. Chief Judge Court, City Civil Court, Hyd., for realization of awarded amount- Sanction-Accorded - Orders - Issued.

TRANSPORT, ROADS AND BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 1381

Dated:06-12-2012.

Read the following:

1. From the CE (R&B) CRN & MD, APRDC, Hyd.,
Lr.No.168/MDAPRDC/PD/DCEII/Pack.I/DEE4AEE/5/2012, Dt:22.05.2012.
2. Govt. Lr No.5899/R.IV.2/2012-1,dt: 06-06-2012
- 3.From the CE (R&B) CRN & MD, APRDC, Hyd., Lr.No.168 /MDRDC /APSh-1/OPNo.348/05Attacgment/2009, dt: 12-09-2012
4. From the CE (R&B) CRN & MD, APRDC, Hyd., Lr.No.168 /MDRDC/APSh-1/OPNo.348/ 05Attacgment/2009,dt:17-10-12

ORDER:

In letter 3rd read above , the CE(R&B) CRN & MD, APRDC, Hyd., has stated that M/s. IRCON International Ltd., has referred 1st set of claims of APSHP package 1 of Widening and Strengthening of Warangal - Raipatnam road to the Dispute Review Board and the DRB vide their recommendations dated:04.02.2003 accepted one claim and rejected the second one out of two claims.

2. He has also stated that both the Department and the Contractor was not satisfied with the recommendation of the DRB and notified each other to commence arbitration. The Arbitral Tribunal was constituted on 14.05.2003. The Arbitral Tribunal has given the award on 20.10.2004. The Department filed an OP No.348/2005 on 27.01.2005 before the IIIrd Additional Chief Judge, City Civil Court, Hyderabad. The OP was dismissed by the Hon'ble Court on 20.02.2007.

3. As such M/s. IRCON had filed an EP No. 20 of 2009 against the Department for Rs.67,07,792.00. The Department also filed a second appeal in the Hon'ble High Court vide CMA No.238 of 2009 which is still pending.

4. Subsequently, the IIIrd Additional Judge issued the orders for attachment of properties of O/o CE(R&B) CRN & MD APRDC, on 17.04.2012. The office of the CE(R&B) CRN & MD APRDC, Hyd, was attached on 23.04.2012.

5. The CE(R&B) CRN & MD APRDC, has requested the Govt. in the letter 1st read above, to address the Spl.G.P to obtain the stay order from the Hon'ble High Court. The Govt. in the Lr 2nd read above, addressed the Special G.P to file an application for obtaining the stay orders of the Hon'ble High Court.

6. Accordingly the Spl. G.P has filed a miscellaneous petitioner CMAMP SR No.24322/2012 of 2012 in CMA No.238/2009 in June 2012. The CMA MP came up hearing before the High Court on 31.08.2012, and the Hon'ble High Court has allowed the application on the condition that 50% of decretal amount shall be paid within 6 weeks from 31.08.2012. The CE(R&B) CRN & MD APRDC, has received the letter dt: 31-08-2012 of Spl. GP, for payment of 50% of Decretal Amount to M/s. IRCON International Ltd.

7. The Chief Engineer(R&B) CRN & MD APRDC, Hyderabad has requested the Government to accord sanction the said amount, which comes to Rs.33,53,896.00, towards payment of 50% of Decretal Amount to M/s. IRCON International Ltd, which relating to the case in CMAMP SR No.24322/2012 in CMA No.238/2009 of Hon'ble High Court of AP, against the EPNo.20/2008, before the Addl. Chief judge Court, City Civil Curt, Hyd., for realization of awarded amount under the Head of Account-5054 COL R&B -04- Districts & other roads MH 800 - Other Expenditures - GH11- Normal state plan- SH (33) Corenet work Roads (works) - 530- Major Works -531 -Other Expenditure.

(P.T.O)

8. In the letter 4th read above, the Chief Engineer(R&B) CRN & MD APRDC, Hyderabad has stated that the proposal for payment of 50% decretal amount of subject matter is in conformity with the orders of Hon'ble High Court of AP. The certified copy of the conditional stay on payment of 50 % of decretal amount is still awaited.

9. Government after careful examination of the matter, hereby accord administrative sanction for release of an amount of Rs. 33,53,896/- (Rupees thirty three lakhs fifty three thousand eight hundred and ninety six only) to deposit of 50% decretal charges in respect of the case in CMAMP SR No.24322/2012 in CMA No.238/2009, orders dt:31-08-2012 of Hon'ble High Court of AP, Hyd., against the EPNo.20/2008, before the Addl. Chief Judge Court, City Civil Curt, Hyd., for realization of awarded amount.

10. The amount sanctioned in para (9) above, shall be debited to the Head of Account- 5054 Capital Outlay on Roads & Bridges -04- Districts and other roads MH 800 - Other Expenditures - GH11- Normal state plan- SH (33) Corenet work Roads (works) - 530- Major Works -531 -Other Expenditure (charged) and shall initially be met by way of an advance from Contingency Fund, orders regarding which will be issued separately by Finance (BG) Dept.

11. The Chief Engineer (R&B) CRN & MD, APRDC, Hyderabad shall draw the amount sanctioned at para (9) above and deposit the same in the concerned court, for realization of decretal amount in CMAMP SR No.24322/2012 of 2012 in CMA No.238/2009, orders dt:31-08-2012 of Hon'ble High Court of AP, against the EPNo.20/2008, before the Addl. Chief Judge Court, City Civil Court, Hyd., under intimation to the Government.

12. The CE (R&B) CRN & MD, APRDC, Hyd., is requested to take action for obtaining supplementary grant at appropriate time during the current financial year 2012-2013 towards recoupment of the advance drawn from Contingency Fund.

13. This order issues with the concurrence of Finance Department vide their U.O.No. 30441/1356/A2/Exp.PW/2012, dt:03-12-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer(R&B) CRN & MD, APRDC, Hyderabad.

Copy to:

The Spl.Government Pleader, O/o the Advocate General, High Court of A.P., Hyderabad.

The Accountant General, A.P, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Finance (BG.I/Exp.PWD) Dept.

The PS to M(R&B)/ Prl.Secy., R&B.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER